

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET

CR No.	12-3182-001	USA v.	Roybal		
Date:	7/28/15	Name of Deft:	Christopher Roybal		
Before the Honorable		James O. Browning			
Time In/Out:	9:02 a.m./9:42 am.		Total Time in Court:	:40	
Clerk:	K. Wild		Court Reporter:	J. Bean	
AUSA:	Shana Long		Defendant's Counsel:	Jacquelyn Robins (Appointed)	
Sentencing in:	ABQ		Interpreter:	N/A	
Probation Officer:	Shaun Ward		Sworn?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/> Plea	<input type="checkbox"/> Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Indictment
Plea:	<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	Adjudged/Found Guilty on Counts:	Counts 1, 37, 38, 39 and 40	
Plea Agreement:	<input checked="" type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	No Plea Agreement	Comments:	
Date of Plea/Verdict:	February 25, 2015		PSR:	<input type="checkbox"/> Not Disputed	<input checked="" type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/> X	Court Reviewed PSR Factual Findings and USSG Calculations and Adopts as Its Own	Evidentiary Hearing:	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:	see below				
SENTENCE IMPOSED		Imprisonment (BOP): 168 months (as to each Counts 1, 37, 38, 39 and 40; said terms shall run concurrently)			
Supervised Release:	5 years (5 years as to Count 1; 3 years as to each Counts 37, 38, 39 and 40; said terms shall run concurrently)		Probation:	<input checked="" type="checkbox"/> X	500-Hour Drug Program
SPECIAL CONDITIONS OF SUPERVISION					
<input type="checkbox"/>	No re-entry without legal authorization		<input type="checkbox"/>	Home confinement for _____ months _____ days	
<input type="checkbox"/>	Comply with ICE laws and regulations		<input type="checkbox"/>	Community service for _____ months _____ days	
<input type="checkbox"/>	ICE to begin removal immediately or during sentence		<input type="checkbox"/>	Reside halfway house _____ months _____ days	
<input checked="" type="checkbox"/> X	Participate in outpatient substance abuse program		<input type="checkbox"/>	Register as sex offender	
<input type="checkbox"/>	Participate in outpatient mental health program		<input type="checkbox"/>	Participate in sex offender treatment program	
<input type="checkbox"/>	No alcohol or other forms of intoxicants		<input type="checkbox"/>	Possess no sexual material	
<input checked="" type="checkbox"/> X	Submit to search of person/property		<input type="checkbox"/>	No computer with access to online services	
<input checked="" type="checkbox"/> X	No contact with victim(s) and/or co-Deft(s) (except George Roybal, Kristin Lucero and Brandy Lucero)		<input type="checkbox"/>	No contact with children under 18 years	
<input type="checkbox"/>	No entering, or loitering near, victim's		<input type="checkbox"/>	No volunteering where children supervised	
<input type="checkbox"/>	Provide financial information		<input type="checkbox"/>	Restricted from occupation with access to	
<input type="checkbox"/>	Grant limited waiver of confidentiality		<input type="checkbox"/>	No loitering within 100 feet of school yards	

X	OTHER: --The Defendant must refrain from the use and possession of synthetic cannabinoids or other legally sold designer drugs. --The Defendant must not possess a firearm, ammunition, destructive device, or any other dangerous weapon. --The Defendant must undergo a gambling disorder assessment in order to determine if counseling is necessary.				
Fine: \$	0.00	Restitution: \$	0.00		
SPA: \$	500.00	Payment Schedule:	X	Due Immediately	Waived
OTHER:	Consistent with a stipulation in the Plea Agreement, the Defendant forfeits his rights, title and interest to the following items: property located at 8004 Saddlebrook, Albuquerque, New Mexico 87120 – Lot 11, P1 Block 12; and in the 1967 Chevrolet Camaro (VIN#124377L161370). Additionally, the Defendant agrees to imposition of a money judgment in the amount of \$184,080.00 which is due at the time of his sentencing.				
X	Advised of Right to Appeal	X	Waived Appeal Rights per Plea Agreement		
X	Held in Custody		Voluntary Surrender		
X	Recommended place(s) of incarceration:	Court recommends FCI Phoenix, AZ, if eligible.			
X	Dismissed Counts:	Upon Court's inquiry, AUSA orally moves to dismiss remaining counts of Indictment and represents will submit written motion and proposed form of order re: same at later time; Court grants.			
OTHER COMMENTS		AUSA addresses Court re: objection to para. 63; Court informs inclined to sustain objection; defense counsel has no argument re: same; Court sustains objection, thereby reducing CHC from IV to III. As to objection to no contact with co-Defendants/co-conspirators, Court confirms AUSA does not oppose excluding George Roybal, Kristin Lucero and Brandy Lucero from the ban, AUSA confirms; Court informs inclined to make exception as requested by defense; defense counsel has no argument re: same. Court notes with rulings re: objection, OL is now 35, CHC is III, providing a USSG range of 210-262 months. Upon Court's inquiry AUSA tenders written motion and proposed form of order for third level reduction based on acceptance; Court grants/signs. Court suggests para. 73 revised to change "working on screen play" to "working on a screen play" and the Addendum, at page 2, third line from bottom of last para., "under gambling" revised to "undergo gambling"; counsel and USPO concur with said changes. Defense counsel addresses Court and argues in support of downward variance outlined in 11(c)(1)(C) agreement. Defendant allocutes. AUSA addresses Court and argues in support of downward variance outlined in 11(c)(1)(C) agreement. Court accepts plea agreement – provides findings to support imposition of special conditions. Upon Court's inquiry, AUSA orally moves to dismiss remaining counts of Indictment and represents will submit written motion and proposed form of order re: same at later time; Court grants. Defense counsel requests recommendation to an appropriate facility in Arizona or Florida – specifically requests FCI Safford; USPO informs Safford is not appropriate, as does not offer RDAP – suggests FCI Phoenix, AZ; defense informs is acceptable; Court recommends same.			